

REMARKS

The undersigned appreciates the recent discussion with Examiner Lee. At that time, as mentioned above, Examiner Lee confirmed the status of the current Office Action is *non-final*.

Claims 25-31, 35 and 39 have been cancelled without prejudice, and claims 21 and 32 have been amended. No new matter has been added by virtue of the amendments. For instance, support for the amendments appears e.g. at page 7, lines 1-2; page 8, line 1; and the original claims of the application.

Claim 35 has been cancelled without [prejudice to obviate formal-type objection set forth at page 2 of the Office Action.

Claims 25-28, 30 and 39 were rejected under 35 U.S.C. 102 over Aoso et al. (JP 06-059458). The rejection is traversed.

It is believed the rejection has been obviated by the amendments made herein. The claims rejected over Aoso et al. have been cancelled without prejudice.

In view thereof, withdrawal of the rejection is requested.

Claims 32-36 and 40 were rejected under 35 U.S.C. 102 over Kawamura et al. (EP 0814381). The rejection is traversed.

Independent claim 32 (the only rejected independent claim) calls for a silsesquioxane polymer.

Such polymers are not disclosed in the Kawamura et al. document. Accordingly, the rejection is properly withdrawn. See, for instance, *In re Marshall*, 198 USPQ 344, 346 (CCPA 1978) ("[r]ejections under 35 U.S.C. §102 are proper only when the claimed subject matter is identically disclosed or described in the prior art."

Claims 25-29, 31, 32, 34-37, 39 and 40 were rejected under 35 U.S.C. 102(e) to Barclay et al. (US 2003/0235785). The rejection is traversed.

Claims 25-29, 31 and 39 have been cancelled without prejudice.

Claims 32, 34-37 and 40 call for a *positive* photoresist composition.

In contrast, in the cited US 2003/0235785 negative photoresists are disclosed. Accordingly, the rejection is properly withdrawn. See *In re Marshall, supra*.

Claims 32-35, 37 and 40 were rejected under 35 U.S.C. 103 over Kawamura et al. (EP0814381).

Claims 21-24 and 38 were rejected under 35 U.S.C. 103 over Kawamura et al. (EP0814381).

For the sake of brevity, these two Section 103 rejections over Kawamura et al. are addressed in combination.

Each of the rejections is traversed.

Independent claims 21 and 32 (the only rejected independent claim) each calls for a silsesquioxane polymer.

As discussed above, such polymers are not disclosed in the Kawamura et al. document. It is thus submitted that the rejection should be withdrawn. See Section 2143.03 of the Manual of Patent Examining Procedure, which mandates: “To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art.”

Claims 21, 22, 24 and 38 were rejected under 35 U.S.C. 103 over Mizutani (JP2001-201855). The rejection is traversed.

The Mizutani document suffers from deficiencies noted above.

Thus, claim 21 (the only rejected independent claim) calls for a silsesquioxane.

Silsesquioxane polymers are not disclosed in the Mizutani document. Accordingly, as discussed above, the rejection is properly withdrawn.

Claims 25-27, 29, 31 and 39 were rejected under the doctrine of obviousness-type double patenting over certain claims of copending application number 10/382090.

The provisionally rejected claims have been cancelled without prejudice. It is thus believed the provisional rejection has been obviated and is properly withdrawn.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



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